

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff,

No. CIV S-04-1308 DFL PAN P

vs.

STEVE TEER,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 22, 2006, plaintiff filed a document styled "Plaintiff's Motion for Admissions of Authenticity of Documents pursuant to Rule 36(a), Fed.R. of C.P., and Rule 402 and Article X of the Fed.R. of Evidence." The court construes this as a request for admissions pursuant to Fed. R. Civ. P. 36. Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor the opposing party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with the court unless, and until, they are at issue. The document filed by plaintiff on June 22, 2006 will be disregarded.

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1 On June 30, 2006, plaintiff filed a motion in limine. The time for filing motions
2 in limine will be set, as appropriate, in a pretrial order issued after pretrial conference on the
3 papers, which is presently set for December 8, 2006. Plaintiff's motion in limine is premature
4 and will be denied without prejudice to its renewal at a later stage of these proceedings.

5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Plaintiff's June 22, 2006 motion is construed as a request for admissions and,
7 so construed, will be disregarded. Plaintiff is cautioned that further filing of discovery requests
8 or responses, except as required by rule of court, may result in an order of sanctions, including,
9 but not limited to, a recommendation that this action be dismissed.

10 2. Plaintiff's June 30, 2006 motion in limine is denied without prejudice to its
11 renewal at a later stage of these proceedings.

12 DATED: July 27, 2006.

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15 UNITED STATES MAGISTRATE JUDGE

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